

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

PATRICIA FINK,

Plaintiff,

v.

WAL-MART STORES EAST, LP, and

WALMART, INC.,

Defendants.

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Civil Action No. 520cv95

NOTICE OF REMOVAL

COME NOW Defendants Wal-Mart Stores East, LP and Walmart, Inc. (collectively “Defendants”), by counsel, pursuant to 28 U.S.C. § 1441(a) and respectfully files the within Notice of Removal of the above-captioned matter to this Honorable Court from the Circuit Court for Rockingham County, Virginia, based on diversity of citizenship and as grounds therefor, state as follows:

1. On or about October 30, 2020, Plaintiff, Patricia Fink, commenced the above captioned civil action by filing a Complaint in the Circuit Court for Rockingham, Virginia, against Walmart, styled *Patricia Fink v. Wal-Mart Stores East, LP, and Walmart, Inc.*, Case No. CL20-3686. A true and correct copy of Plaintiff’s Complaint is appended hereto as Exhibit 1. A copy of Defendants’ Answer & Grounds of Defense filed in State Court is appended hereto as Exhibit 2.

2. Defendants were served with the complaint on November 4, 2020. This Notice of Removal is timely as it is being filed within 30 days of service of the Complaint naming them as Defendants and within one year of the commencement of the action.

3. Pursuant to 28 U.S.C. §§ 1441 and 1332, complete diversity of citizenship exists and is established as follows:

- a. Plaintiff is an individual residing in Rockingham County, Virginia;
- b. Defendant Wal-Mart Stores East, LP is a Delaware Limited Partnership with its principal place of business located in Bentonville, Arkansas;
- c. Defendant Walmart, Inc. is a Delaware Stock Corporation with its principal place of business located in Bentonville, Arkansas

4. That Plaintiff seeks in excess of \$75,000.00 in its Complaint exclusive of costs and attorney's fees.

5. By reason of the foregoing, this matter may be removed to this Honorable Court pursuant to 28 U.S.C. § 1441.

6. A copy of a Notice of Removal being issued to the Clerk of the Circuit Court for Rockingham County, Virginia is appended hereto as Exhibit 3.

7. This Notice of Removal will be served on Counsel for Plaintiff pursuant to 28 U.S.C. § 1441(d).

8. This Notice of Removal is filed within thirty (30) days of when federal diversity was first established, and within one (1) year of when the lawsuit was originally filed.

Respectfully Submitted,
WAL-MART STORES EAST, LP, and
WALMART, INC.
By Counsel,

DeCARO, DORAN, SICILIANO,
GALLAGHER & DeBLASIS, LLP

/s/ Jason C. Greaves

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of December, 2020, I caused a true and accurate copy of the foregoing to be delivered, via First Class U.S. Mail postage prepaid, to:

W. Barry Montgomery, Esq.
KPM Law
901 Moorefield Park Dr., Suite 200
Richmond, VA 23236
Fax: 804-320-6312
Email: barry.montgomery@kpmlaw.com
Counsel for Plaintiff

/s/ Jason C. Greaves

Jason C. Greaves